



February 28, 2020

The Honorable Kumar P. Barve, Chair
House Environment and Transportation Committee
House Office Building, Room 251
6 Bladen St., Annapolis, MD 21401

Oppose: HB 1128 – Environment – Water Quality Certifications – Requests (Water Quality Certification Improvement Act)

Dear Chairman, Barve and Committee Members:

A federal permit or license to conduct any activity that may discharge to waters of the U.S. cannot be issued unless the applicant provides a Water Quality Certification (WQC) from the State that the activity does not violate water quality standards. Large scale federally licensed projects like Conowingo dam or a natural gas pipeline, or overhead transmission lines need a WQC as part of the Federal Energy Regulatory Commission (FERC) licensing process. Smaller scale development projects are required to receive WQC through the joint federal-state permit application process used for the NPDES construction general permit and the U.S. Army Corps of Engineers' Maryland Programmatic General Permit for Construction.

On behalf of the NAIOP Maryland Chapters, representing more than 700 companies that develop and own commercial, industrial and mixed-use real estate I am writing to oppose HB 1128 because it:

1. Applies WQC procedures intended for federally licensed pipelines and dams to routine activities currently reviewed by MDE and the U.S. Army Corps of Engineers under general permits;
2. Changes the standard of review from certifying that the activity meets State water quality standards to a subjective finding by MDE, *"That the project's benefit to the public outweighs the project's detriment to the public;"*
3. Allows any state resident or person who has a place of business in the state to appeal MDE's water quality certification;
4. Requires that a wide range of new information be submitted with all initial applications as well as analysis that is currently requested by MDE on a case-by-case basis.

For these reasons, NAIOP respectfully requests your unfavorable report on House Bill 1128.

Sincerely,

A handwritten signature in blue ink that reads "Tom Ballentine".

Tom Ballentine, Vice President for Policy
NAIOP Maryland Chapters -The Association for Commercial Real Estate

cc: House Environment and Transportation Committee Members
Nick Manis – Manis, Canning Assoc.